



MINUTES
OCONEE COUNTY COUNCIL MEETING
Regular Meeting
January 20, 2015

MEMBERS, OCONEE COUNTY COUNCIL

Mr. Wayne McCall, District II, Council Chairman
Mr. Paul Cain, District III, Vice Chairman
Ms. Edda Cammick, District I, Chairman Pro Tem
Mr. Joel Thrift, District IV
Mr. Reg Dexter, District V

Oconee County Council met at 6:00 PM in Council Chambers, 415 South Pine Street, Walhalla, SC with all Council Members, County Administrator Scott Moulder, County Attorney Thomas Martin and Elizabeth Hulse, Clerk to Council present.

Press: Pursuant to the Freedom of Information Act, notice of the meeting, date, time, place of meeting and agenda were posted on the bulletin board at the County Administrative Offices, 415 South Pine Street, Walhalla, SC, and the County Council website [www.oconeese.com/council]. In addition it was made available [upon request] to the newspapers, radio stations, television stations and concerned citizens.

Members of the press present: Ray Chandler/Anderson Independent & Steven Bradley/The Daily Journal.

Call to Order

Mr. McCall called the meeting to order at 6:00 p.m.

Public Comment Session

Mr. Steve Moore addressed Council regarding budget concerns to include utilizing a zero based budget process, amending the code to require a super majority to pass the budget, Local Government Fund internal funding option and reducing direct aid.

Ms. Susie Cornelius addressed Council in opposition to adding any employees for in house legal counsel and concurred with Mr. Moore's suggestions.

Mr. John Dalen addressed Council referencing a booklet "The Law" by Frederic Bastiat [copy not filed with these minutes] and voiced concerns regarding personal property rights and socialism.

Mr. Steven Dow addressed Council in opposition to additional Economic Development.

Mr. Ben Turetzky addressed Council in support of continued attorney presence at the Planning Commission and commended staff for their work on Economic Development.

County Council Response to Public Comment

Mr. Paul Cain noted that he and Council are working to be sure that the County will be ready for a post Duke Energy scenario and that the goal is to keep increasing the value of a mill to avoid raising taxes.

Moment of Silence

Mr. McCall asked for a moment of silence prior the Invocation by the County Chaplain.

Invocation by County Council Chaplain:

Mr. Tom Martin, County Council Chaplain, gave the invocation.

Pledge of Allegiance:

Mr. Dexter led the Pledge of Allegiance to the Flag of the United States of America.

Approval of Minutes:

Ms. Cammick made a motion, seconded by Mr. Cain, approved 5 – 0 to approve the January 6, 2014 regular meeting and the January 12, 2014 special meeting minutes both as presented.

Presentations to Council by Outside Organizations

Annual Financial & Compliance Report for FY Ending June 30, 2014 / Mauldin & Jenkins, LLC

Mr. David Irwin, Mauldin & Jenkins, LLC, addressed Council utilizing a handout [copy filed with these minutes] highlighting the key areas of the audit. Mr. Irwin noted that the County received a “clean or unmodified” opinion and that there were no audit findings for this review period.

In addition, Council was presented with copies of the Comprehensive Annual Financial Report [CAFR] for the fiscal year ending June 30, 2014 [copy filed with these minutes].

Council commended Mr. Moulder, Mr. Pullium and the finance staff for their hard work and diligence throughout the year to provide financial transparency to the citizens.

Appointment of Council Representatives by Chairman:

Mr. McCall made a motion, seconded by Mr. Cain, approved 5 – 0 to affirm his recommendations for council representatives as listed below:

South Carolina Appalachian Council of Governments [SC ACOG]

Mr. Reg Dexter

Infrastructure Advisory Commission

Mr. Joel Thrift

Capital Project Advisory Committee

Mr. Wayne McCall

Oconee Business Education Partnership

Ms. Edda Cammick

Ten at the Top

Mr. Paul Cain

Oconee Economic Alliance

Mr. Wayne McCall

Administrator’s Report & Agenda Summary

Mr. Moulder briefly reviewed with Council and for the public’s benefit specifics related to the following matters before Council at this meeting:

- Second Reading for Ordinances: 2014-33, 2015-04
- First Reading of Ordinance: 2015-05 & 2015-06 [both in title only]
- Board & Commission Appointments
- Old Business
 - Alternative to Ordinance 2014-24 Update
 - Legal Counsel Analysis Update

Mr. Moulder asked that Council amend the agenda to add Council Committee Reports.

Mr. Cain made a motion, seconded by Mr. Dexter, approved 5 – 0 to add Council Committee Reports to the agenda preceding Board & Commission Appointments.

Second Reading of the Following Ordinances

Ordinance 2014-33 “AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AGREEMENT BETWEEN OCONEE COUNTY, SOUTH CAROLINA AND **PROJECT CONTROL; AND OTHER MATTERS RELATING THERETO INCLUDING, WITHOUT LIMITATION, PAYMENT OF A FEE IN LIEU OF TAXES RELATED TO THE PROJECT”**

Mr. Dexter made a motion, seconded by Mr. Thrift, approved 5 – 0 to approve **Ordinance 2014-33** on second reading.

Ordinance 2015-04 “AN ORDINANCE AUTHORIZING THE TRANSFER OF CERTAIN OCONEE COUNTY REAL PROPERTY; AUTHORIZING THE EXECUTION AND DELIVERY OF A REAL PROPERTY DEED; AND OTHER MATTERS RELATED THERETO.”

Mr. Cain made a motion, seconded by Mr. Thrift, approved 5 – 0 to approve **Ordinance 2015-04** on second reading.

First Reading of the Following Ordinances

Ordinance 2015-05 [Title Only] “AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN AMENDMENT TO THE AMENDED FEE AGREEMENT BETWEEN OCONEE COUNTY AND GREENFIELD INDUSTRIES, INC., TO INCLUDE THE ADDITION OF TDC GREENFIELD PROPERTIES LLC, AS A CO-SPONSOR, AMENDING THE AMENDED FEE AGREEMENT DATED AS OF OCTOBER 1, 2013; AND OTHER MATTERS RELATED THERETO”

Mr. Dexter made a motion, seconded by Ms. Cammick, approved 5 – 0 to approve **Ordinance 2015-05** on first reading in title only.

Ordinance 2015-06 [Title Only] “AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE AGREEMENT BY AND BETWEEN OCONEE COUNTY, SOUTH CAROLINA (THE “COUNTY”) AND CASTO SOUTHEAST REALTY SERVICES, LLC OR ITS ASSIGNEE (THE “COMPANY”) INCLUDING AN INFRASTRUCTURE IMPROVEMENT CREDIT RELATING TO THE FEES IN LIEU OF TAXES THEREUNDER PURSUANT TO TITLE 12, CHAPTER 44, CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED AND THE PLACEMENT OF RELATED PROPERTY IN A MULTICOUNTY INDUSTRIAL BUSINESS DEVELOPMENT PARK ESTABLISHED BY THE COUNTY; AUTHORIZING THE EXECUTION AND DELIVERY OF AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF SENECA RELATED TO THIS MATTER; AND OTHER MATTERS RELATING THERETO”

Mr. Dexter made a motion, seconded by Mr. Cain, approved 5 – 0 to approve **Ordinance 2015-06** on first reading in title only.

Council Committee Reports

Transportation Committee / Mr. Thrift

Mr. Thrift read from a prepared statement [copy filed with these minutes] highlighting discussions, direction and recommendations to staff from the January 13, 2015 meeting.

Mr. Thrift made a motion, seconded by Ms. Cammick, approved 5 – 0 to affirm the committee’s recommendation to add Edgewater and Wild Fern to the new construction projects list as funding becomes available.

Mr. Thrift made a motion, seconded by Ms. Cammick to affirm the committee’s support for closure and to direct staff to prepare a Resolution for County Council to consent to the abandonment and closure of Moccasin Flower Road. Discussion followed. Council directed Mr. Moulder to review with the citizens prior to Council action the process for road closure as outlined in the Code of Ordinances. Mr. Thrift withdrew his motion, Ms. Cammick withdrew her second and the matter was deferred to a future meeting.

Mr. Thrift made a motion, seconded by Ms. Cammick, approved 5 – 0 to affirm the committee’s recommendation to [1] to improve the Buffalo Road railroad crossing by allowing Norfolk Southern Railroad to construct an improved grade crossing at a not to exceed amount of \$38,107, and [2] to authorize the Administrator to execute any agreements required with Norfolk Southern Railroad.

Law Enforcement, Public Safety, Health & Welfare Committee / Mr. McCall

Mr. McCall read from a prepared statement [copy filed with these minutes] highlighting discussions, direction and recommendations to staff from the January 13, 2015 meeting.

Mr. Moulder provided Mr. Dexter [copy filed with these minutes] with responses to his inquiry regarding Detention Center information.

Lastly, Mr. McCall noted that an additional Law Enforcement, Public Safety, Health & Welfare Committee meeting has been scheduled for February 10, 2015 at 5:30 p.m.

Mr. Dexter noted that the Real Estate, Facilities & Land Management Committee meeting scheduled for February 10, 2015 has been cancelled.

Ms. Cammick reminded those present that the Budget, Finance & Administration Committee will meet on February 10, 2015 at 6:30 p.m.

Board/Commission Appointments

Board of Zoning Appeals / District I, District III and 1 At Large

District I: Ms. Cammick made a motion, seconded by Mr. Cain, approved 5 – 0 to re-appoint **Mr. Allen Medford** to the District I Board of Zoning Appeals seat.

At Large: DEFERRED

Library Board / 3 At Large

At Large: Ms. Cammick made a motion, seconded by Mr. Cain, approved 5 – 0 to re-appoint **Ms. Marie McMahan** to the Library Board.

Mr. Thrift made a motion, seconded by Mr. Cain, approved 5 – 0 to re-appoint **Ms. Marie Jacobson & Mr. William Caster** to the Library Board.

Aeronautics Commission / District I, District III and 1 At Large

District I: Ms. Cammick made a motion, seconded by Mr. Cain, approved 5 – 0 to re-appoint **Mr. Randy Renz** to the District I Aeronautics Commission seat.

District III: Mr. Cain made a motion, seconded by Mr. Thrift, approved 5 – 0 to re-appoint **Mr. Ed Perry** to the District III Aeronautics Commission seat.

At Large: DEFERRED

Arts & Historical Commission / District I, District III and 1 At Large

District I: Ms. Edda Cammick made a motion, seconded by Mr. Cain, approved 5 – 0 to appoint **Ms. Bette Borman** to the District I Arts & Historical Commission seat.

District III: DEFERRED

At Large: Mr. Cain made a motion, seconded by Ms. Cammick, approved 5 – 0 to appoint **Ms. Amber Lange** to the At Large Arts & Historical Commission seat.

Building Codes Appeal Board / District I & District III

District I: Ms. Edda Cammick made a motion, seconded by Mr. Cain, approved 5 – 0 to appoint **Mr. George Smith** to the District I Building Codes Appeal Board seat.

District III: DEFERRED

Capital Project Advisory Committee/ 1 At Large

At Large: Ms. Edda Cammick made a motion, seconded by Mr. Cain, approved 5 – 0 to appoint **Mr. Frankie Pearson** to the At Large Capital Project Advisory Committee seat.

Old Business:

Alternative to Ordinance 2014-24 Update

Mr. Moulder noted that he had not yet been able to gather all material for this analysis and asked that Council defer this matter to a future meeting. Council concurred.

Legal Counsel Analysis Update

Mr. Moulder addressed Council utilizing a handout [copy filed with these minutes] highlighting key areas to include:

- Oconee County's Requirements & Costs
- Oconee county's Legal Services Expenses
 - Legal Service Expenditures by Category Chart
 - Consolidated Legal Services Expenditures Chart
 - Hypothetical Legal Services Expenditures Chart
- Other Counties in South Carolina [to include a chart]
- Proposed Oconee County Structure
 - Estimated Legal Departmental Budget Charts
- Of Consideration

Mr. Moulder reiterated that specific values in the report are NOT absolute and that the data was collected through various departments and applications. He stated that the information provided, although not exact, is accurate.

Lastly, he stated that while the proposal is based primarily on financial comparisons, that Council should thoroughly consider the value of quality, experience and level of expertise needed by the County. He noted the experience the McNair Law Firm has stating that there is no question that the McNair attorneys are professional, well-educated and experienced.

Lengthy discussion followed with various opinions offered.

Mr. Dexter made a motion, seconded by Mr. Thrift, approved 4 – 1 [Ms. Cammick opposed] to direct the Administrator to review previous litigation matters to potentially identify cost savings that can be attributed to McNair Law Firm.

Release of Emails to Council Members

Mr. Moulder provided each Council member with copies of requested emails along with a cover letter [copy of cover letter only filed with these minutes] as follow up to the January 6, 2015 council meeting.

New Business:

Council Policy regarding Litigation

Mr. McCall suggested that the Administrator in the future be directed where possible avoid litigation against the citizens. Discussion followed. Council took no action regarding this matter.

Executive Session:

Mr. Cain made a motion, seconded by Mr. Thrift, approved 4 – 1 [Mr. Dexter opposed] to enter Executive Session for the purpose of discussing several Economic Development matters and a litigation matter.

Council entered Executive Session at 8:01 p.m.

Council returned from Executive Session at 10:13 p.m. on a motion by Mr. Cain, seconded by Mr. Thrift, approved 5 – 0.

Mr. McCall stated that no action was taken in Executive Session.

Mr. Cain made a motion, seconded by Mr. Thrift, approved 5 – 0 to instruct the Administrator to proceed as discussed in Executive Session regarding the litigation matter.

Mr. Cain made a motion, seconded by Mr. Thrift, approved 5 – 0 to authorize the Administrator to proceed as discussed in Executive Session with real estate negotiations up to the amounts discussed in Executive Session.

Mr. Cain made a motion, seconded by Mr. Dexter, approved 5 – 0 to direct the Administrator to proceed as discussed in Executive Session with regard to Economic Development Project Owl and Project Hummingbird.

Mr. Cain made a motion, seconded by Mr. Thrift, approved 5 – 0 to direct the Administrator to proceed as discussed in Executive Session with regard to Economic Development Project Sarah.

Council Member Comments:

None at this meeting.

Adjourn

Ms. Cammick made a motion, approved unanimously 5 – 0, to adjourn at 10:15 p.m.

Respectfully Submitted:

Elizabeth G. Hulse
Clerk to Council